

**GOVERNMENT OF ANDHRA PRADESH
ABSTRACT**

Establishment –Cooperation Department – Sanction of Family Pension / Death benefits of Late Smt B.Rukmini, Senior Inspector O/o the CC&RCS, A.P., Hyderabad to her mother Smt B.Pullamma - Orders –Issued.

AGRICULTURE & COOPERATION (COOP.II) DEPARTMENT

G.O.Ms.No. 140

Dated.06-07-2012
Read the following:

From the CC&RCS, A.P. Hyderabad letter Rc.No.25768/2006/AP1,
dated.11-02-2010 & 28-11-2011.

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ORDER:

In the reference read above, the Commissioner for Cooperation and Registrar of Cooperative Societies, AP, Hyderabad has stated that Smt B.Rukmini, Senior Inspector expired on 5-4-2003 while working in the O/o CC&RCS, A.P.Hyderabad and the mother of the deceased employee, Smt B.Pullamma (Plaintiff) filed a petition before the Principal Dist. Judge, Kurnool, seeking relief to pay all pensionary benefits of the deceased employee to her on the ground that Sri R.Venkataramana (defendant) husband of her deceased daughter was not residing with her since long time. But the petition S.O.P.48/2004 was dismissed, stating that the petitioner is not entitled for the death cum retirement benefits of the deceased employee. Meanwhile Sri R.Venkataramana, husband of the deceased employee was appointed as Junior Assistant in the O/o APPSC, Hyderabad on compassionate grounds.

2. The Commissioner for Cooperation and Registrar of Cooperative Societies, A.P., Hyderabad, has further stated that the mother of the deceased employee has filed another petition before the Hon'ble Additional Senior Civil Judge, Kurnool and obtained interim injunction orders from paying the service benefits of late Smt Rukmini, to the 1st respondent (i.e., R.Venkataramana, husband of Late Smt B.Rukmini) vide order dated.25.11.2006 in OS.No.290/2006.

3. Further, the Commissioner for Cooperation and Registrar of Cooperative Societies, AP, Hyderabad has stated that the petitioner and the defendant came to a compromise. The Hon'ble Lok Adalat, Kurnool in LAC No.1/09 have passed award on 10-2-2009 stating that plaintiff (i.e., Smt B.Pullamma, mother of the deceased employee) is entitled for all the Service Benefits of deceased Smt B.Rukmini, Senior Inspector, as the defendant (i.e., R.Venkataramana, husband of the deceased employee) has agreed to forego the aforesaid benefits and the plaintiff i.e., Smt B. Pullamma, has no objection against his employment in APPSC on Compassionate Grounds. In compliance to the award issued in LAC No.1/09 the CC&RCS, A.P., Hyderabad has initiated action to release of Death/ Retirement Benefits to the mother of the deceased employee by forwarding pension proposals to A.G., A.P., Hyderabad. The A.G., A.P.Hyderabad has returned the family pension proposals seeking certain clarification. After receipt of the required information (i.e., consent letter of Sri R.Venkataramana H/o Late B.Rukmini) from D.N.Lakshmi (friend of plaintiff amended as per orders in I.A.47/07, dated.1-2-2007) during the month of August.2009, the family pension proposals were re-submitted to A.G., A.P., Hyderabad, and the Accountant General have returned the family pension proposals, stating that as per Rule 50(X) of A.P.Revision Pension Rules 1980, the Govt., is the competent authority to take a decision.

4. The Commissioner for Cooperation and Registrar of Cooperative Societies, A.P. Hyderabad has therefore, requested the Govt., to issue necessary orders in the matter.

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5. The Law Deptt, have advised that " the District Lok Adalat, Kurnool has passed award in the proceedings in LAC No.1/09, dated.10-02-2009, declaring Smt B.Pullamma is entitled to receive the death benefits of Late Smt B.Rukmini from Commissioner of Co-operation and Registrar of Co-operative Societies, Hyderabad. The Award passed by the Lok Adalat is equal to that of Civil Judge's Court Orders, which became final.

6. Further advised that according to sub-section (1) of Section 21 of the Legal Services Authorities Act. 1987, every award of the Lok Adalat shall be deemed to be a decree of a Civil Court. Sub-section (2) of Section 21 of the said Act lays down that every award made by a Lok Adalat shall be final and binding on all parties to the dispute and no appeal shall lie to any court against the award and advised to issue a speaking order mentioning of all the facts for sanction of family pension and service benefits to Smt B.Pullamma Mother of Late Smt B.Rukmini, Senior Inspector, Office of the Commissioner of Co-operation and Registrar of CO-operative Societies, Hyderabad in consultation with Finance Department".

7. The Finance (Pension-II) Deptt., have stated that "the Husband of deceased Government Servant was appointed as A.S.O, in APPSC. He was remarried. The mother of the deceased Government Servant is not come under the orbit of the family of deceased Government Servant. A Compromisation in between eligible family members to receive pension/Gratuity is acceptable in the shape of relinquishment of their right. Whereas in this case, the agreement in between the spouse and the mother of deceased Government Servant and the award passed by the District Lok Adalat, Kurnool is not in accordance with the A.P. Revised Pension Rules.1980.The Law Dept., opinion may not be acceptable. They may be requested to refer the file again to Law Department to re-examine the matter and give their remarks once again to advise the department suitably".

8. The Law Deptt, has again reiterated their earlier opinion.

9. After careful examination of the matter and keeping in view of the Award passed by Lok Adalat in L.A.C.No.1/2009, dated.10-02-2009, Govt., hereby sanction family pension / death benefits of Late Smt B.Rukmini, Senior Inspector O/o the CC&RCS, A.P., Hyderabad to her mother Smt B.Pullamma, in relaxation of the A.P.Revised Pension Rules 1980.

10. This order issues with the concurrence of Finance vide their U.O.No.3394/M (Fin)/(0), dated.22-05-2012

11. The Commissioner for Cooperation and Registrar of Cooperative Societies A.P., Hyderabad is requested to take necessary action, accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

**I.Y.R.KRISHNA RAO
SPECIAL CHIEF SECRETARY TO GOVERNMENT**

**To
The Commissioner for Cooperation and
Registrar of Cooperative Societies,
A.P., Hyderabad.
SF/SC.**

// FORWARDED BY ORDER//

SECTION OFFICER